

REMARKS

1. Introduction

In the Office Action mailed June 30, 2004, the Examiner rejected claims 70-76 and 78 under 35 U.S.C. § 102(e) as being anticipated by Shei et al., U.S. Patent No. 6,262,394 (“Shei”) and under 35 U.S.C. § 102(b) as being anticipated by Oda, et al., U.S. Patent No. 5,028,761 (“Oda”). The Examiner rejected claims 79 under 35 U.S.C. § 103(a) as being unpatentable over Oda, in view of Robards et al., U.S. Patent No. 5,900,173 (“Robards”). However, the Examiner indicated that claims 80-84 contained allowable subject matter and would be allowable if rewritten in independent form.

In response, Applicant has canceled amended claim 70. Applicant respectfully requests reconsideration of the amended claims for the reasons set forth below.

2. Response to Rejections

Applicant thanks the Examiner for scheduling the telephonic interview conducted on September 16, 2004. The undersigned and Examiner Drew Becker participated in the interview. During the interview, the present amendment was discussed in relation to the prior art of record, particularly Shei and Oda. It was tentatively agreed that the proposed amendments appeared to overcome at least the rejections under § 102. The general thrust of Applicant’s principal arguments is set forth below.

Applicant has amended independent claim 70 to specify that the support section has a height substantially corresponding to the height of the tray so as to define substantially all of the receiving space for receiving the tray. For example, Applicant’s specification notes (on page 14, lines 2-5) that “[p]referably, the distance between supporting edge 87 and flange surface 69 of

cover 52 is substantially the same as the distance between the underside of bottom wall 58 and the uppermost surface of lip 60 of tray 50.”

In Shei, legs 82 do not substantially correspond to the height of the tray, nor do they define substantially all of the receiving space for receiving the tray, as best shown un Figure 3. This is because Shei teaches the use of a heat sink 46 that has a cavity 48 that generally conforms to the exterior cross-sectional configuration of the tray. (col. 2, lines 7-10; col. 3, lines 40-49). The purpose of this conforming shape is to enable the heat sink to concentrate the heat generated by the heater at the tray. (col. 2, lines 10-12; col. 4, line 66 – col. 5, line 6).

By teaching the use of a heat sink that conforms to the shape of the tray so as to concentrate heat at the tray, Shei teaches away from using a cover with a support section that has a height substantially corresponding to the height of the tray to define substantially all of the receiving space for receiving the tray. Accordingly, claims 70-76 and 78 are patentable over Shei and the other prior art of record.

Applicant has also amended claim 70 to recite that the step of “inserting said tray into said receiving space” occurs after the step of “inserting said freestanding cover into said heated compartment to define said receiving space.”

Oda does not teach these two steps. To the contrary, Oda teaches the opposite approach of placing an already-covered tray in the heating area. In particular, Oda teaches placing a casserole 11 in heating portion 93, with the casserole 11 comprising the pan 12 and the top 13. (col. 4, lines 44-58). Thus, Oda teaches placing a tray that is already covered into a heating area, and teaches away from inserting a cover in the heating area to define a receiving space and then inserting the tray into the receiving space.

Accordingly, Applicant respectfully submits that claims 70-76 and 78-84, as amended, are allowable over the prior art of record.

3. **Conclusion**

Applicant submits that the present application is now in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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By: Richard A. Machonkin
Richard A. Machonkin
Registration No. 41,962